

City of Portland

October 6, 2025 LMAC Waiver Committee

Agenda



The LMAC Waiver Committee will conduct this meeting remotely via Zoom. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend, a recording will be available in the [Agenda Center](#) following the meeting.

Join from PC, Mac, iPad, or Android:

<https://portlandmaine.gov.zoom.us/j/83362638045?pwd=Kmm487ChYTxKmmBXOlmIR7pja109uq.1>

Monday, October 6, 2025 at 11:30 AM

1. Waiver Committee Deliberation and Decision Regarding Application To Apply Pesticides at 400 Woodford St
 - a. Application to request the use of fertilizer or pesticide at 400 Woodford St
 - b. Additional narrative and supporting research
 - c. Additional photos demonstrating severity of infestation
 - d. Aerial view of property
 - e. Letter of support from neighbor
2. Adjournment



LANDCARE ORDINANCE WAIVER APPLICATION
Landcare Management Advisory Committee (LMAC)

APPLICANT INFORMATION

Applicant Name: _____

Address: _____

Email Address: _____

Telephone Number: _____

Submission Date: _____

I am a: Resident Landlord Business Municipality Landscape company

Are you a licensed commercial applicator? Yes No

REASON FOR REQUESTING THE USE OF A PROHIBITED FERTILIZER OR PESTICIDE:

- Is an emergency and threatens the public health and safety
- For the control of invasive plants that pose a threat to the environment (*For a list of Maine Invasive Plants visit: http://www.maine.gov/dacf/mnap/features/invasive_plants/invsheets.htm*)
- Required to protect buildings or structures from damage
- Using a synthetic fertilizer on performance turf or for new development, with one or more the following conditions:
 - I. The soil temperature is less than 55 degrees Fahrenheit and reasonable grounds exist to justify fertilizer use at that location and at that time;
 - II. The turf is experiencing high stress due to high use and must be ready for high performance play when the sports season(s) begin; or
 - III. A suitable organic product that meets the nutrient needs of the soil as specified in a soil test is unavailable.

Making the right pest identification is important and can be difficult. Resources for pest identification are available at: <http://www.maine.gov/dacf/php/gotpests/invasive-pests.htm>. NOTE: Applications for poisonous plants such as poison ivy, pests of significant health importance such as ticks and mosquitos, and destructive pests such as carpenter ants and termites are exempted under the ordinance. No waiver is necessary to address these pests.

Please provide a detailed account of the problem you would like to address with the proposed fertilizer or pesticide application. Include photos of the problem/pest and of the extent of the problem (this may be number of pests or area covered):

What steps did you take to evaluate alternative methods to the proposed fertilizer or pesticide application, including but not limited to, non-fertilizer/pesticide management tactics, minimum risk fertilizers or pesticides, non-synthetic fertilizers or pesticides, and selecting the minimum amount of the least toxic, most effective fertilizer or pesticide necessary.

PROJECT INFORMATION

What are you treating? Turf Shrubs Trees Invasive Weeds

Address of proposed application: _____

Please attach a map of the proposed application area (*this may be a sketch, however it should be to scale and include property boundaries, structures, and water bodies*).

Is this application within 75ft. of a waterbody? Yes No

Proposed fertilizer or pesticide: _____

Amount to be applied: _____

Method of application: Liquid Granular Injection/systemic Cut stem treatment

Proposed timing(s)/frequency of use: _____

Proposed date of application: _____

Please provide a detailed management plan for your proposed application, including how you will minimize the impact of this application on abutting properties and, to the maximum extent possible, ensure that the grant of the waiver will not be detrimental to the public's health, safety or welfare.

NOTE: the following applications are prohibited:

- Broadcast applications: the spreading of pesticides over an entire area
- Preemptive applications: the application of pesticides as a measure against something possible, anticipated or feared, i.e., as a preventive or deterrent measure

In order for the waiver to be considered, all of the fields above must be completed. For questions, please contact Troy Moon in the Sustainability Office at 207-756-8362.

Completed forms may be emailed to landcare@portlandmaine.gov, or mailed or delivered to City Hall, 389 Congress Street, Portland, ME 04101.

A detailed account of the problem. Include photos and extent.

The problem: My neighbor and I have had an invasion of the tree of heaven in our yards, primarily along the property lines. Please see the attached property map to show the location of the trees on both properties. Red lines indicate the property lines, yellow lines indicate the locations of tree of heaven on my property, and turquoise lines indicate the location of tree of heaven on my neighbor's property. See the file, TreePix.docx, which includes photos before the tree was removed, and the current state showing the maturity and proliferation of the trees on both properties. I would like to draw your attention to the fact that the trees of heaven on my neighbor's property are a full lot's distance beyond where the tree was cut down on Belfield Street, a mere three years prior.

Mark Reiland, Portland's arborist, performed a site visit on September 10, 2025, and confirmed that the trees followed the root line of the removed tree. He noted that the trees are extremely hard to remove completely without the use of herbicide.

History: In 2022, the City of Portland removed a mature tree of heaven, a highly invasive species, from the esplanade [grassy strip between the sidewalk and street] in the vicinity of my property line on Belfield Street. This summer, three years after the tree was cut down, the city removed the remains of the stump. A damaged tree of heaven will send up root suckers for several years (more details can be found in the About tree of heaven section below). In both instances of removal, the city did not educate the proximal residents about the likelihood of tree suckers appearing and the importance of pulling them while in an immature state.

Unfortunately for my neighbor and me, the city did not follow standard operating procedure for removing a mature tree of heaven which is an application of herbicide, using the hack and squirt method, to kill the root system and waiting for the roots to die before cutting down the tree and removing the stump (<https://extension.psu.edu/tree->

Appendix A

[of-heaven](#)). More root suckers are inevitable in the coming years because of improper stump removal, and this will add to the current population of trees on our properties.

About tree of heaven: This tree has been categorized as a highly invasive species according to the maine.gov site. See

https://www.maine.gov/dacf/mnap/features/invasive_plants/inv sheets.htm. A female tree can produce 325,000 seeds per year which can be dispersed via wind to other areas and root suckers can be found as far as 50' from the originating trunk

(<https://ask.extension.org/kb/faq.php?id=852000>). Root suckers can grow up to six feet per year and can appear over a one to two year period

(https://mdinvasives.org/archive/species/uploadpdf/Tree_of_Heaven_Control_Pannill.pdf). Without intervention, it will take very little time for this tree to overtake the properties at 400 Woodford Street and 13 Montrose Avenue, as well as gaining a foothold on the adjoining properties.

- **Environmental Damage:** The Tree of Heaven releases allelopathic chemicals from the bark and leaves into the soil that prevent other plants from growing, which stifles the existing plants. On my property, these trees are "choking out" valuable fruit trees (pear, cherry and peach) and pollinator plants (bee balm, yarrow, comfrey, and goldenrod) which are visited daily by birds, bees, and butterflies. The tree is also a preferred host for the invasive spotted lanternfly, which also damages a wide variety of plants, including fruit trees, by feeding on their sap. This tree's roots can also cause structural damage when it is near a foundation.
- **Public Health Concerns:** This tree is a high pollen producer, causing allergies and skin irritation. There have also been rare reports of more serious conditions, such as myocarditis, linked to tree of heaven exposure.

Steps to evaluate alternative methods

While non-chemical methods are always the preferred course of treatment, the number, maturity, and location of the trees on the two properties would require an excavator, which would destroy the established gardens and would be quite costly. Furthermore, eradication would not be guaranteed given the tenacity of the species. Pulling out immature trees by hand and ensuring all root matter was extracted would be both inefficient and quite time-consuming. As you can see from the pictures in the TreePix.docx file, most trees would not be classified as immature.

I have discussed my tree problem with two well respected organic landscape professionals:

1. Chip Osborne, founder of Osborne Organics (<https://osborneorganics.com/>), who was recommended by Priscilla Skerry,
2. Justin Nichols, who is listed on the Maine Natural Areas Program of Non-Herbicide or Herbicide-Plus Invasive Plant Control Businesses https://www.maine.gov/dacf/mnap/features/invasive_plants/nonherbicide.html. Mr. Nichols viewed the property at 400 Woodford Street.

Both experts agreed that the only way to control and remove the tree of heaven is using herbicide, particularly given the number, maturity, and location of the trees on the two properties. In addition, my neighbor Rose Carter, whose abutting property on 13 Montrose Avenue is also affected, supports the use of herbicide to address the problem.

Given the large number of trees that must be removed, the preferred herbicide is triclopyr which is applied to the tree trunk. There are three methods of application depending on the size of the tree (<https://extension.psu.edu/tree-of-heaven> :

1. Hack and squirt for mature trees where many cuts are made to the tree trunk and herbicide is injected into the cuts

Appendix B

2. Basal bark where the first 12-15 inches of the trunk including the root collar are sprayed with herbicide using a low velocity spray
3. Painting the cut stump with herbicide. Painting the cut stump, depending on tree size, does not prevent root suckering and is not as effective as the first two methods.

It can take two to three years, or more, to eliminate all the root suckers and dormant seeds produced by the tree. Thus, research is underway to use non-chemical means to control the species. These initiatives include verticillium wilt fungus, eriophyid mite, and verticillium nonalfalae. Unfortunately, these efforts have not reached the commercialization stage and cannot be considered as an alternative method to herbicide at present.

<https://beyondpesticides.org/dailynewsblog/2021/12/researchers-optimistic-about-new-biological-control-for-problematic-tree-of-heaven/>

Detailed Management Plan

Allowing the tree of heaven to proliferate is a threat to Portland's biodiversity, to the environment and to public health. An herbicide is the most effective and efficient way to eradicate this highly invasive species (<https://extension.psu.edu/tree-of-heaven>). Triclopyr is an effective herbicide for this tree and causes minimal harm to the surrounding vegetation or wildlife (<https://www.npic.orst.edu/factsheets/triclopyr/gen.html>), especially when considering the stifling effects of the tree of heaven on the environment. A Husqvarna 4-gallon backpack sprayer with a low volume nozzle will be used to apply triclopyr, using the basal trunk method (described in Appendix C) to the trunks of the tree of heaven. A second application of herbicide may be warranted in 2026 if more root suckers appear due to the city's stump removal in 2025. The properties are not near waterways or standing water, nor will it be applied in the vicinity of food crops or flowers.



These pictures were taken in 2022 prior to the tree's removal. Note there is no evidence of trees along the property lines, specifically:

- To the right of the gazebo
- Behind and to the right of the people
- Along the fence.



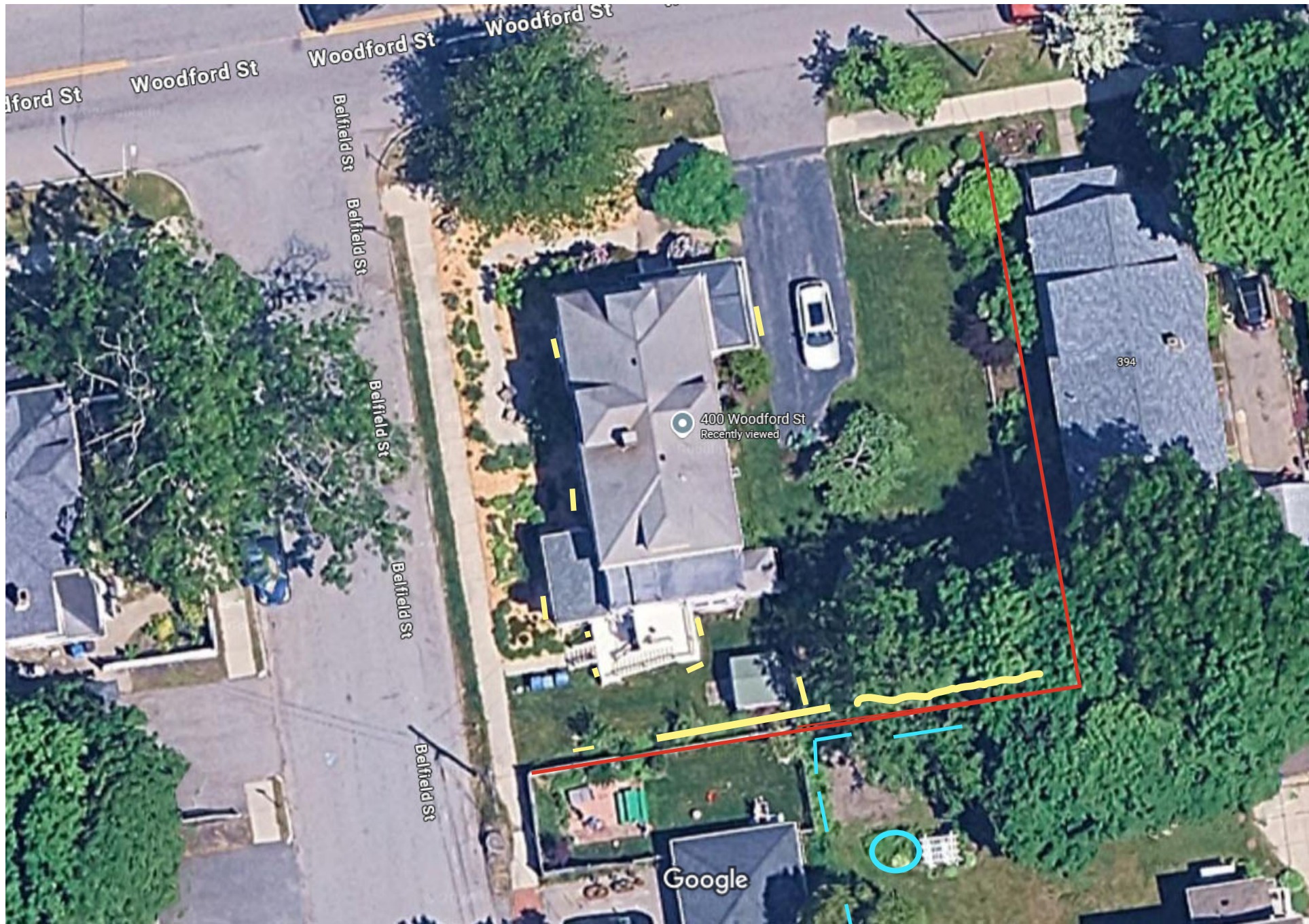
Examples of on or near the foundation 400 Woodford St



Property line 400 Woodford St. Note height and maturity.



Examples of tree of heaven presence on 3 Montrose Ave property



Map data ©2025, Map data ©2025 Google 20 ft

thm@portlandmaine.gov

Subject: Letter of Support for Removal of Invasive Trees at 400 Woodford Street

Dear Members of the Landcare Management Advisory Committee:

Nan Solomons (my neighbor residing at 400 Woodford Street) informed me that she will be going before your committee this Wednesday, August 27, 2025, as part of a waiver process to use herbicide to remove the tree of heaven (*Ailanthus altissima*) trees on her property. I am writing in support of her removal of the trees. Given the invasive nature of these trees, I suggest that she also have the 15 or so saplings on my property at 13 Montrose Avenue treated as well. These saplings are on or near our shared property line.

I hope that you will allow the addition of these trees as part of her application. I'm over 90 and reside in an assisted living facility and am physically and logistically unable to manage this task. I am grateful that she is willing to coordinate the removal of these adjacent trees.

Thank you for your time and consideration of this important matter.

Sincerely,

[Your Signature]

Rose Carter